

ORIGINAL

Koeltl

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

THE NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS PENSION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS WELFARE  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS VACATION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS ANNUITY  
FUND, NEW YORK CITY DISTRICT COUNCIL  
OF CARPENTERS APPRENTICESHIP, JOURNEYMAN  
RETRAINING, EDUCATIONAL AND INDUSTRY  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS CHARITY FUND, and THE NEW YORK  
CITY AND VICINITY CARPENTERS LABOR  
MANAGEMENT COOPERATION FUND, by  
MICHAEL J. FORDE and PAUL O'BRIEN  
as TRUSTEES,

Plaintiffs,

-against-

E&amp;S CONSTRUCTION CORP.,

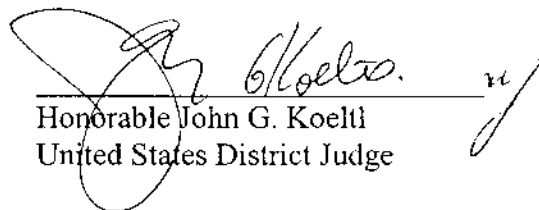
Defendant.  
-----X07 CV 4646 (JGK)  
ECF CASE**ORDER TO SHOW CAUSE  
FOR DEFAULT  
JUDGMENT AND ORDER**

<b>USDS SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED:</b> <u>7/31/2007</u>

UPON the annexed affidavit of Andrew GraBois, Esq., sworn to the 26<sup>th</sup> day of July,  
2007 and all of the proceedings had herein, let Defendant E&S Construction Corp. appear before  
Judge John G. Koeltl at this Federal Courthouse, Courtroom 12-B, located at 500 Pearl Street,  
New York, NY, 10007 on the 24 day of August, 2007 at 10 o'clock in the  
~~forenoon~~ afternoon of that day or as soon thereafter as the parties can be heard, to show cause  
why a Default Judgment and Order should not be entered against E&S Construction Corp. and in  
favor of plaintiffs, confirming an arbitration award dated April 2, 2007 against the Defendant,  
and awarding attorneys' fees and costs arising out of this action.

Sufficient cause therefore appearing, let service of a copy of this Order, together with the  
✓ affidavit annexed hereto, on the Defendant by way of first class mail on or before 5<sup>00</sup> P.M.  
on the 1<sup>st</sup> day of August, 2007 be deemed good and sufficient service;  
answering papers, if any, shall be served and filed on or before August 22 2007;  
courtesy copies of all papers shall be sent to Chambers on the same day they are filed.

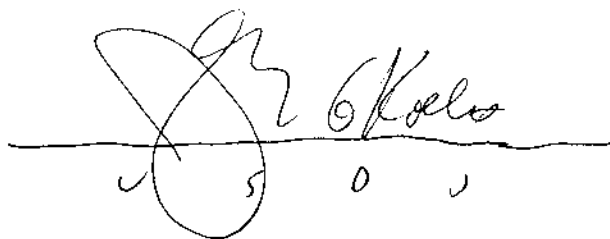
Dated: New York, New York  
7/30, 2007

  
Honorable John G. Koelti  
United States District Judge

THE DEFENDANT IS ADVISED THAT FAILURE TO RESPOND TO THE  
ORDER TO SHOW CAUSE MAY BE GROUNDS FOR A DEFAULT JUDGMENT  
BEING ENTERED AGAINST IT, IN WHICH EVENT THE DEFENDANT  
WILL HAVE NO TRIAL.

THE PLAINTIFFS SHALL FILE PROOF OF SERVICE OF THIS ORDER  
TO SHOW CAUSE BY August 20, 2007.

7/30/07

  
5 0 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
THE NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS PENSION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS WELFARE  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS VACATION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS ANNUITY  
FUND, NEW YORK CITY DISTRICT COUNCIL  
OF CARPENTERS APPRENTICESHIP, JOURNEYMAN  
RETRAINING, EDUCATIONAL AND INDUSTRY  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS CHARITY FUND, and THE NEW YORK  
CITY AND VICINITY CARPENTERS LABOR  
MANAGEMENT COOPERATION FUND,  
by MICHAEL J. FORDE, and PAUL O'BRIEN,  
as TRUSTEES

07 CV 4646 (JGK)  
ECF CASE

**CLERKS**  
**CERTIFICATE**

Plaintiffs,

-against-

E&S CONSTRUCTION CORP.,

Defendant.

-----X  
I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern  
District of New York, do hereby certify that this action commenced on June 1, 2007 by filing of the  
Summons and Complaint, and a copy of the Summons and Complaint having been served on the  
defendant, E&S Construction Corp. on June 7, 2007, by delivering two (2) true copies thereof to  
Carol Vogt, an authorized clerk in the Office of the Secretary of State of the State of New York, and  
proof of service being filed on June 11, 2007.

I further certify that the docket entries indicate that the defendant has not filed an answer or  
otherwise moved with respect to complaint herein. The default of the defendant is hereby noted.

Dated: July 26, 2007  
New York, New York

J. MICHAEL MCMAHON  
Clerk of the Court

By:   
Deputy Clerk